

Congress of the United States
Washington, DC 20515

July 27, 2023

Mr. Pete Buttigieg
Secretary
Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590

Mr. Steve Dettelbach
Director
Bureau of Alcohol, Tobacco, and Firearms
99 New York Avenue NE
Washington, DC 20002

CC: Administrator Robin Hutcheson, Federal Motor Carrier Safety Administration

We write today regarding President Biden's executive order directing the Secretary of the Department of Transportation (DOT), in consultation with the Department of Justice (DOJ), to work to reduce the loss or theft of firearms during shipment and improve reporting of such losses or thefts, including by engaging with carriers and shippers.

The Biden Administration has shown it will take all avenues to restrict the constitutional right to keep and bear arms. Unfortunately, Congress has had to routinely step in to put the executive branch in check. While it is refreshing to see the President's sudden interest in cracking down on theft, we want to ensure the actions resulting from this order are lawful, practical, and not an undue burden on carriers, shippers, and Federal Firearms License holders (FFLs).

Loss and theft are not unique to the firearms industry. It occurs in every industry, and it is in the best interest of carriers, shippers, and customers to prevent loss and theft. Carriers and shippers take great care, at no small expense, to ensure packages arrive to their intended destination and to notify their customers of any issues. In the case of firearms packages, FFLs are subject to strict and costly regulations including the requirement to report all lost or stolen firearms to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

Very few firearms used in crimes are obtained through theft, and even fewer firearms are obtained through stolen shipments. According to the ATF, less than 5% of offenders who commit firearm homicides, assaults, and robberies acquired their firearm through theft. Despite the volume of interstate transport of firearms, only 0.03% of newly manufactured firearms entering commerce each year are lost to theft in transit. This is an overestimate as it does not account for the transport of used firearms between licensees or the movement of firearms shipped in connection with warranty or repair work. Thus, it is curious that the Biden Administration is focusing on shipping as a means to combat gun violence.¹

The constitutional right to keep and bear arms relies heavily on the ability to ship firearms throughout the country. It is our responsibility as Members of Congress to provide oversight of DOT and ATF to ensure the firearms industry can freely engage in interstate commerce without interference. To ensure proper oversight, please provide all correspondence between DOT and ATF regarding Executive Order 14092 Section 3(g) as well as answers to the following questions:

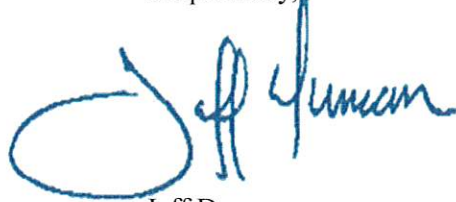
¹[NFCTA: Crime Guns – Vol. Two, Part V](#)

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1. Is DOT and ATF aware that FFLs, and not carriers or shippers, are responsible for reporting lost or stolen firearms, and carriers and shippers do not collect information regarding make, model, or serial numbers of shipped firearms?
2. Does DOT or ATF plan on promulgating any rule or regulation that would require carriers or shippers to collect identifying information such as make, model, or serial number of a shipped firearm?
 - a. If so, please provide details.
3. Does DOT or ATF plan on promulgating any rule or regulation regarding the reporting of lost or stolen firearms by carriers or shippers?
 - a. If so, under what statutory authority would such rule or regulation be promulgated?
 - b. Has DOT or ATF considered the cost of compliance of such rule or regulation?
4. Has DOT or ATF requested information regarding firearms shipments, such as details surrounding lost or stolen firearms or identifiable information of a shipped firearm, such as make, model or serial number, from any carrier or shipper?
 - a. If so, please provide the correspondence between DOT and/or ATF and carrier or shipper.
5. Has DOT discussed any plans to collect information regarding the shipment of firearms with ATF including, but not limited to, voluntary reporting of lost or stolen firearms from carriers or shippers?
 - a. If so, please provide the correspondence between DOT and ATF.
6. Has DOT historically tracked firearms shipments and what expertise does the Department have in the regulation, surveillance, and enforcement of firearms laws?
 - a. If so, please provide examples.
7. Does DOT or ATF have plans to promulgate any rule or regulation regarding enhanced requirements for FFLs to communicate firearms shipments?
 - a. If so, has DOT or ATF considered the cost of compliance for such rule or regulation?
 - b. Please provide details.

Please provide the answer to these questions within 60 days of receipt of this letter. Thank you in advance for your timely reply.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jeff Duncan". The signature is stylized with a large, looped initial "J" and a cursive "Duncan".

Jeff Duncan
Member of Congress

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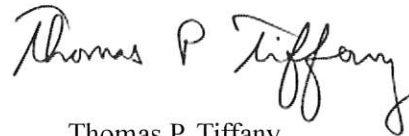
Scott DesJarlais, M.D.
Member of Congress



Robert J. Wittman
Member of Congress



Diana Harshbarger
Member of Congress



Thomas P. Tiffany
Member of Congress



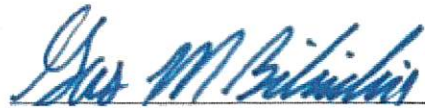
Ralph Norman
Member of Congress



Michael Cloud
Member of Congress



Richard Hudson
Member of Congress



Gus Bilirakis
Member of Congress



Darrell Issa
Member of Congress



Ben Cline
Member of Congress



Ashley Hinson
Member of Congress



Austin Scott
Member of Congress

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John R. Moolenaar
Member of Congress



Andy Harris, M.D.
Member of Congress



Doug LaMalfa
Member of Congress



Paul A. Gosar, D.D.S.
Member of Congress



Mary E. Miller
Member of Congress



Dusty Johnson
Member of Congress



Alex Mooney
Member of Congress



Mike Bost
Member of Congress



Glenn Grothman
Member of Congress



Chuck Edwards
member of Congress



Kelly Armstrong
Member of Congress

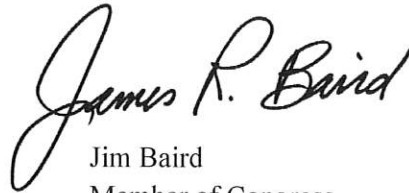


Jake LaTurner
Member of Congress

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Derrick Van Orden
Member of Congress



Jim Baird
Member of Congress



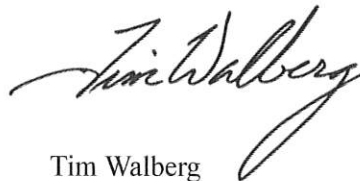
Robert E. Latta
Member of Congress



Drew Ferguson
Member of Congress



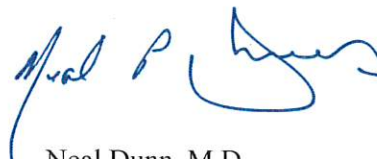
Dan Crenshaw
Member of Congress



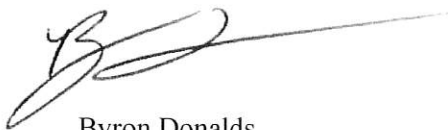
Tim Walberg
Member of Congress



Kat Cammack
Member of Congress



Neal Dunn, M.D.
Member of Congress



Byron Donalds
Member of Congress



Carol D. Miller
Member of Congress

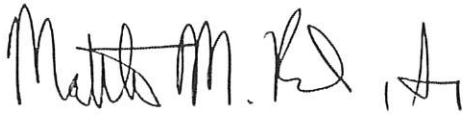


Randy Feenstra
Member of Congress



William R. Timmons, IV
Member of Congress

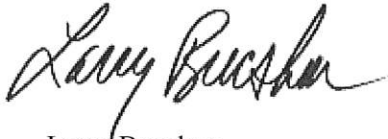
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A handwritten signature in black ink, appearing to read "Matt M. Rosendale, Sr." with a stylized flourish at the end.

Matt M. Rosendale, Sr.
Member of Congress

A handwritten signature in black ink, appearing to read "Josh Brecheen" with a long horizontal stroke at the end.

Josh Brecheen
Member of Congress

A handwritten signature in black ink, appearing to read "Larry Bucshon" in a cursive style.

Larry Bucshon
Member of Congress